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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,725	06/05/2000	ANDREW JOHN MCGRATH	36-1320	9355
23117	7590	07/15/2004	EXAMINER	
NIXON & VANDERHYE, PC 1100 N GLEBE ROAD 8TH FLOOR ARLINGTON, VA 22201-4714			HANNE, SARA M	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/555,725

Applicant(s)

MCGRATH, ANDREW JOHN

Examiner

Sara M Hanne

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,6,8,10-12,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,8,10-12,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/21/03, 2/3/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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DETAILED ACTION

1. This action is responsive to the amendment received on May 7, 2004.

Amended Claims 1,3,5,6,8,10-12,14 and 15 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 3, 6, 8, 11-12, and 14 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Leahy et al., US Patent 6219045.

In accordance with Claims 1 and 6, Leahy et al. teaches a method of showing users on a display of a telecommunications device ("Chat processor 106", Column 4, line 59) using animated graphical representations ("environment

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changes the look of the avatar", Column 7, Lines 22-23) corresponding to the respective users, the animated actions to be symbolic of events taking place ("For example, if the user moves the mouse F mouse ticks forward, the avatar moves F screen units forward", Column 8, Lines 7-8). Leahy et al. further teaches each user presented with a view of a respective virtual space from which the respective user views the other users activities, graphically represented, relative positions, and relative movements according to the user's viewpoint (Column 3, lines 15-30) wherein for each user the representations of each of the other users are arranged such that they are all contained within the field of view of the user's display device ("A will see all the avatars in the room.", with N set to the number of avatars in the room Column 5, Line 48) and accessing of a facility by one user for viewing by other users is represented in a different manner for the viewing users and the accessing user ("produces a display similar to screen display but from the perspective of the avatar for that client/user.", Column 3, lines 15-18), and a relative positional order of said animated graphical representatives depicted in virtual space for each user remains constant (Column 3, lines 15-30) and the angular separation of said animated graphical representations depicted in virtual space is not constant ("Each user is free to move his or her avatar around in the virtual world", Column 3, lines 24-25)..

In accordance with Claims 3 and 8, Leahy et al. further teaches the symbolic actions to be selected such that they occur within a fixed field of view (as seen in Claims 2 and 7 *supra*, the symbolic actions such as movement within

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the room of other users are shown within the user's fixed field of view with N set to the total number of avatars).

In accordance with Claim 11, Leahy further discloses the client means associated with each user for generating part of the user's viewpoint (Client user's location "In order that each user sees the correct location of each of the other avatars, each client machine sends its current location or changes in its current location, to the server and receives updated position information of the other clients", Column 3, lines 25-30).

In accordance with Claim 12, Leahy further discloses server means accessible by each user for generating part of the users' viewpoint (location of the other users, Column 3, lines 25-30 *supra*).

In accordance with Claim 14, Leahy further discloses animating conferee icons to represent different symbolic animated actions if any such action is currently associated with a respective conferee (movement of a conferee is seen by the other clients in the system, "For example, if the user moves the mouse F mouse ticks forward, the avatar moves F screen units forward", Column 8, Lines 7-8).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 5, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leahy et al., US Patent 6219045, as applied to Claims 1, 6 and 14 above, and further in view of Shiio et al. US Patent 5491743.

Leahy et al. teaches a virtual client-server chat system taken to be a teleconferencing method as shown *supra*.

In accordance with Claims 5 and 10, While Leahy et al. teaches the teleconferencing method excluding the user from the display, they fail to show the users not currently actively engaged in the conference, or just viewing the conference, to be shown differently than those who are as recited in the claims. Shiio et al. teaches a virtual conference system similar to that of Leahy et al. In addition, Shiio et al. further teaches active users currently engaged in conversation to be shown differently than those who are not ("The icons may be lit up with lamps, and may be associated with characters such as 'speaking.'", Column 13, lines 22-23). It would have been obvious to one of ordinary skill in the art, having the teachings of Leahy et al. and Shiio et al. before him at the time the invention was made, to modify the teleconferencing method taught by Leahy et al. to include the differing display of active teleconferencing member of Shiio et al., in order to obtain a more distinguishable indicator for active participants. One would have been motivated to make such a combination because all active users could be easily recognized, as taught by Shiio et al. ("the attendants can recognize who is speaking", Column 14, line 11).

In accordance with Claim 15, While Leahy et al. teaches the teleconferencing method excluding the user from the display, they fail to show a

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symbolic animated action for the desire to conclude the conference as recited in the claims. Shiio et al. Teaches a virtual conference system similar to that of Leahy et al. In addition, Shiio et al. further teaches an indication for intention to conclude the conference ("indication of intention and actions of entrance/exit, ... can be expressed", Column 9, lines 31-35). It would have been obvious to one of ordinary skill in the art, having the teachings of Leahy et al. and Shiio et al. before him at the time the invention was made, to modify the teleconferencing method taught by Leahy et al. to include the symbolic, animated, teleconferencing conclusion action of Shiio et al., in order to obtain an animated termination control for a participant. One would have been motivated to make such a combination because it would give the user another control expression as taught by Shiio et al.

Response to Arguments

Applicant's arguments filed 5/7/2004 have been fully considered but they are not persuasive. The apparent appending of the dependent claims to the independent claims does not overcome the previously stated prior art Leahy et al. or in combination with Shiio et al. in the case of Claims 5, 10 and 15.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the order of the icons in the field of view is not conserved in certain circumstances" and "the conservation of angular position while distorting the field of view such that all of the representatives are contained within the field of view of the users' display device") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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Conclusion


The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar teleconferencing methods and user animated avatars.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M Hanne whose telephone number is (703) 305-0703. The examiner can normally be reached on M-F 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh


RAYMOND J. BAYERL
PRIMARY EXAMINER
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